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ELECTRONICALLY FILED  
BY HAND AND BY EMAIL

May 10, 2007

The Honorable Vincent J. Poppiti  
Blank Rome LLP  
1201 Market Street, Suite 800  
Wilmington, DE 19801

**Re: *LG.Philips LCD Co., Ltd. v. ViewSonic, C.A. No. 04-343 JJF***

Dear Special Master Poppiti:

Plaintiff LG.Philips LCD Co., Ltd. ("LPL") submits this letter to advise Your Honor of the status of its third party discovery efforts with respect to four third parties and of additional scheduling modifications agreed to by all of the parties.

Defendants' Subpoenas. The Defendants and LPL have already agreed to postpone until after May 11 the deadlines pertinent to at least two of ViewSonic's third party subpoenas and at least one of the Tatung Defendants' ("Tatung") subpoenas. For example, the depositions of Panasonic Corporation of North America and of Ergotron, Inc., both of which were subpoenaed by ViewSonic, have been scheduled to occur on May 17 and May 21, respectively. Also, as of this afternoon, Tatung and LPL have agreed to set the deposition of third party Rhein Tech for May 23, 2007.

Hewlett-Packard. LPL served a subpoena on Hewlett-Packard ("HP") on December 27, 2006. In February 2007, HP produced on a rolling basis over 210,000 pages of documents. LPL took a Rule 30(b)(6) deposition of HP on May 9, 2007, in Houston, Texas. During the deposition, HP's witness confirmed that, after the deposition concluded, HP would and could provide several different types of information about which the witness was unable to testify conclusively and several types of documents that HP had not produced, but which would enable the witness to clarify certain parts of her testimony. A copy of LPL's May 10, 2007 letter to HP's counsel confirming those agreements is enclosed. Counsel for all of the Defendants in this case participated in the HP deposition, but never objected to either LPL's requests for supplemental information or HP's agreement to provide supplemental information.

After the deposition, HP's counsel requested that LPL provide HP with a letter summarizing and detailing all of the areas of information about which HP had agreed to provide supplemental information. LPL is now reviewing the HP transcript and will be providing the summary that HP requested as soon as possible. However, HP's witness made clear to counsel

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for LPL that, while HP might be able to provide some information very quickly, much of the information discussed would take many days to compile and produce.

Wal-Mart Stores, Inc. and Sam's Club. LPL issued its subpoena on Wal-Mart Stores, Inc. ("Wal-Mart") and Sam's Club ("Sam's") on February 13, 2007. Since that time, Wal-Mart and Sam's have not produced any documents and continue to object entirely to producing any documents. Wal-Mart and Sam's have also refused to produce a witness for a deposition. Since it served the subpoena, LPL has continuously worked and negotiated with Wal-Mart and Sam's, trying to get Wal-Mart and Sam's to comply with LPL's subpoena. While Wal-Mart and Sam's negotiated with LPL initially, and led LPL to believe that an agreement regarding the subpoena could be reached (in fact, Wal-Mart and Sam's had originally discussed a March deposition date with LPL but then, one day before the deposition was to occur, informed LPL that they would not produce any witness for deposition), Wal-Mart and Sam's ultimately would not agree to produce any documents by the May 11, 2007 discovery deadline, necessitating the filing of a motion to compel by LPL. Thus, on May 7, 2007, LPL filed in the Western District of Arkansas (the "Arkansas Court") a motion to compel Wal-Mart to comply with LPL's subpoena and a motion for expedited review of LPL's motion to compel.

On May 9, 2007, the Arkansas Court issued an order notifying the parties that LPL's May 7 motions would be heard by a magistrate judge. A copy of that order is enclosed with this letter. The hearing before the Arkansas Court is scheduled for the afternoon of May 10. Based on previous discussions with Wal-Mart and Sam's, LPL anticipates that, even if the Arkansas Court grants LPL's motion to compel, Wal-Mart and Sam's will not produce any documents by the May 11, 2007 deadline. Thus, despite its best efforts, LPL does not expect to have this matter resolved prior to May 11.

Edwards Services, LLC. LPL served a subpoena on third party Edwards Services, LLC ("Edwards") on February 14, 2007. After numerous requests by LPL for Edwards' responsive documents, on May 9, 2007, Edwards finally committed to produce documents responsive to LPL's subpoena before the May 11 discovery deadline and to submit to a deposition. Notably, in light of Edwards' belated document production, Edwards and the parties have agreed that any deposition of an Edwards witness may be scheduled after May 11, but no firm date for that deposition has yet been established.

LPL provides this letter as an update about ongoing third party discovery efforts. LPL will be prepared to review this matter further during the upcoming May 16 hearing, if Your Honor deems that to be necessary.

Respectfully submitted,



Richard D. Kirk (rk0922)

cc: Counsel as shown on the attached certificate

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May 10, 2007

**VIA E-MAIL**

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**Re: LG.Philips LCD Co., Ltd. v. Tatung, et al.,  
Civil Action No. 04-343 (JJF)**

Dear Lauren:

Thank you for your assistance before, during and after the Hewlett Packard deposition yesterday. During the deposition, Ms. Graesser stated that Hewlett Packard would provide several types of supplemental information that was addressed during the deposition. I have just received a rough draft of the transcript from yesterday's deposition and, once I have had an opportunity to review it, per your request, I will send you a list of the categories of information that Ms. Graesser stated Hewlett Packard would supplement.

Again, thank you for your cooperation yesterday.

Sincerely,



Cormac T. Connor

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

TATUNG CO., et al

PLAINTIFF

v.

CASE NO. 5:07MC0005

L.G. PHILIPS LCD CO., LTD.

DEFENDANT

ORDER

Now on this 9TH day of May, 2007, upon consideration of the Plaintiff L.G. Philips LCD Co., LTD's motion to compel (doc. #20) and motion for expedited review (doc. #22) filed on May 7, 2007, the Court finds that this motion, as well as any other pretrial discovery motions that may subsequently be filed in this case, should be and hereby is referred to United States Magistrate Judge James R. Marschewski for disposition or recommendation, whichever is appropriate, pursuant to 28 U.S.C. § 636(b)(1)(A) and Rule 72.1, Rules of the United States District Courts for the Eastern and Western Districts of Arkansas.

/s/ Robert T. Dawson  
Robert T. Dawson  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned counsel certifies that, on May 10, 2007, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

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The undersigned counsel further certifies that copies of the foregoing document were sent by email to the above counsel on May 10, 2007, and will be sent by hand on May 10, 2007, and were sent by email on May 10, 2007, and will be sent by first class mail on May 10, 2007, to the following non-registered participants:

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/s/ Richard D. Kirk (rk922)  
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